

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-296

v.

HON. JANET T. NEFF

KEITH JAY PALMER,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Keith Jay Palmer has filed a motion for modification or reduction of sentence (Dkt 160) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

The U.S. Probation Office filed a Report of Eligibility (Dkt 164) finding defendant ineligible, and defendant has filed a Response (Dkt166). Defendant is ineligible, because the mandatory minimum sentence of 120 months was imposed.

IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 160) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: December 11, 2014

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge